

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEBORAH A. ASHCRAFT,

Plaintiff,

-v.-

Civil Action No.
7:05-cv-1342 (GLS/DEP)

COMMISSIONER OF SOCIAL SECURITY

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

CONBOY, MCKAY LAW FIRM
307 State Street
Carthage, New York 13619

LAWRENCE D. HASSELER, ESQ.

FOR THE DEFENDANT:

HON. GLENN T. SUDDABY
United States Attorney for the
Northern District of New York
P.O. Box 7198
100 South Clinton Street
Syracuse, New York 13261

WILLIAM H. PEASE
Assistant U.S. Attorney

OFFICE OF GENERAL COUNSEL
Social Security Administration
26 Federal Plaza
New York, New York 10278

DENNIS J. CANNING, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed June 9, 2008. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed June 9, 2008 is ACCEPTED in its entirety for the reasons stated therein, and it is further

ORDERED, that plaintiff's motion for judgment on the pleadings is GRANTED, and it is further

ORDERED, that the Commissioner's determination of no disability is VACATED and the matter is REMANDED to the agency for further consideration.

IT IS SO ORDERED

Dated: July 28, 2008
Albany, New York


Gary L. Sharpe
U.S. District Judge